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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,486

10/21/2005

Doerte Eimers-Klose

10191/3910

3947

26646 7590 12/23/2008
KENYON & KENYON LLP
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EXAMINER

BLAIR, DOUGLAS B

ART UNIT

PAPER NUMBER

2442

MAIL DATE

DELIVERY MODE

12/23/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,486	Applicant(s) EIMERS-KLOSE ET AL.	
	Examiner DOUGLAS B. BLAIR	Art Unit 2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

The applicant has added claims 15-23. Claims 8-23 are currently pending.

Response to Arguments

Applicant's arguments filed 10/6/2008 have been fully considered but they are moot

The applicant's second argument that there is no motivation to combine Starkovich with operating in a vehicle completely ignores the broad nature of the claims and brings up the question of intended use in the preamble. The claims mention a vehicle in the preamble and the rest of the limitations of the claims have no bearing on the structure being associated with a vehicle. The applicant's disclosure states that the only relation the claimed device has to the vehicle is that it is "in the vehicle". The preamble only deals with the intended use of the gateway and is therefore not a limitation. See MPEP section 2111.02 (II) entitled "Effect of Preamble - "II Preamble Statements Reciting Purpose or Intended Use". Therefore the applicant's arguments against motivation are moot as the new rejections are based on 35 USC section 102.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

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international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 8-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Number 7,152,094 to Jannu et al.

As to claim 8, Jannu teaches a device for connecting subnets, comprising: a gateway unit configured to connect at least two subsystems, wherein the gateway unit is made of at least one modular software gateway, which routes messages between only two subnets (Figure 1 and col. 1, lines 38-58, each connection 101-115 is considered a modular software gateway).

As to claim 9, Jannu teaches a device wherein at least three subnets are connected to the gateway unit, the gateway unit including a plurality of modular software gateways, each of the modular software gateways routing messages between only two subsystems (Figure 1 and col. 1, lines 38-58).

As to claim 10, Jannu teaches a device further comprising: bus-specific receiving objects configured to relay incoming messages to selected software gateways, the bus-specific receiving objects being provided for each subnet (the applicant's specification provides no definition for a "bus-specific receiving object". The prior art described by Jannu clearly is able to relay incoming messages to selected gateways because it would be ridiculous for to send a message from application 128 to application 120 if the message was intended for application 122).

As to claim 11, Jannu teaches a device wherein the receiving objects including routing tables in which a treatment of incoming messages is configured (the applicant does not disclose any limiting details on a "routing table" and the prior art described by Jannu is clearly able to route messages).

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As to claim 12, Jannu teaches a device further comprising: bus-specific transmitting objects configured to monitor access to a particular bus, for each subnet (Figure 1 and col. 1, lines 38-58).

As to claim 13, Jannu teaches a device wherein the modular software gateway is configured to buffer incoming messages and perform protocol-specific adaptations (col. 1, lines 51-54).

As to claims 14-23, these limitations are shown in the rejections of the preceding claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DOUGLAS B. BLAIR whose telephone number is (571)272-3893. The examiner can normally be reached on 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Douglas B Blair/
Primary Examiner, Art Unit 2442